

RULE 9
Petitions to Determine if a Labor Organization
Shall Cease to be the Representative (Decertification)

I. Petitions Filed by Employers:

- A. A petition by an employer shall be filed in the representation docket. If ~~such a request for decertification is for more than one bargaining unit is at issue, each request for decertification must be filed separately~~ a separate petition for decertification must be filed for each bargaining unit. All petitions shall contain the following:
1. A description of the bargaining unit;
 2. The date of recognition or certification; ~~and~~
 3. The expiration date of any applicable agreement, contract or understanding;
 4. The name, address and telephone number of each interested labor organization;
 5. A showing which shall generally conform with the provisions of Rule 10 and shall accompany the petition, which shall be either:
 - a. ~~(i)~~ A detailed statement of the grounds for the employer's belief that the labor organization no longer has the support of a majority of the bargaining unit's members; or
 - b. ~~(ii)~~ A showing that the employees no longer desire to be represented by the currently recognized or certified labor organization. The showing shall accompany the petition and shall generally conform to the provisions of Rule 10;
 6. A request for an election to determine whether the labor organization shall cease to be the representative of the unit's members; and
 7. A concise prayer for the relief or order sought.
- B. The currently recognized or certified labor organization shall be named as a party defendant in addition to such other parties as may be ~~proper or~~ necessary. If the currently recognized or certified labor organization no longer wishes to represent the unit, an official of that organization may then file a pleading letter of disclaimer with the Commission stating that it no longer wishes to represent the unit and that it has no objection to the Commission decertifying it immediately, without the necessity of an election.
- C. Such a petition may only be filed:

1. between the one-hundred twentieth (120th) day and the sixtieth (60th) days preceding either;
 - a. termination of an existing agreement, contract or understanding, or
 - b. preceding commencement of a statutorily required bargaining period, whichever is earlier;
 2. If any such existing agreement, contract or understanding is for a period of more than three (3) years, such a petition may be filed at any time after the agreement, contract or understanding has been in force for nine-hundred seventy-five (975) days; or
 3. When there is currently no contract in effect, except that no election shall be ordered in any unit more than once a year.
- D. Upon receipt of such a petition, the Clerk shall send a notice to the employer containing the information set forth in Rule 10E. The notice shall be posted on all bulletin boards normally used to communicate with employees. The notice shall remain displayed until the first hearing.

II. Petitions Filed by an Employee, Employees, or a Labor Organization Not Currently Representing an Employee or Employees:

- A. A petition by an employee or employees currently acting on behalf of an employee or employees or a labor organization not currently acting on behalf of an employee or employees shall be filed in the representation docket. ~~If such a request for decertification is for more than one bargaining unit is at issue, each request for decertification must be filed separately~~ a separate petition for decertification must be filed for each bargaining unit. All petitions shall contain the following:
1. A description of the bargaining unit;
 2. The date of recognition or certification; ~~and~~
 3. The expiration date of any applicable agreement, contract, or understanding;
 4. The name, address and telephone number of each interested labor organization;
 5. A request for an election to determine whether the labor organization shall cease to be the representative of the unit's members. The request shall be accompanied by a showing that the employees making the request no longer desire to be represented by the currently recognized or certified labor organization. The showing shall generally conform to the provisions of Rule 10.

6. A concise prayer for the relief or order sought.
- B. The currently recognized or certified labor organization shall be named as a party defendant in addition to such other parties as may be proper or necessary. If the currently recognized or certified labor organization no longer wishes to represent the unit, an official of that organization may then file a pleading letter of disclaimer with the Commission stating that it no longer wishes to represent the unit and that it has no objection to the Commission decertifying it immediately, without the necessity of an election.
- C. Such a petition may only be filed:
1. between the one-hundred twentieth (120th) day and the sixtieth (60th) days preceding either;
 - a. termination of an existing agreement, contract or understanding, or
 - b. preceding commencement of a statutorily required bargaining period, whichever is earlier;
 2. If any such existing agreement, contract or understanding is for a period of more than three (3) years, such a petition may be filed at any time after the agreement, contract or understanding has been in force for nine-hundred seventy-five (975) days; or
 3. When there is currently no contract in effect, except that no election shall be ordered in any unit more than once a year.
- D. Upon receipt of a petition as specified in subsection E hereof, the Clerk shall take such action as is appropriate in compliance with Rule 10 of these rules.
- E. A Rule 9 election for decertification of the currently certified or recognized bargaining unit representative may be combined with a Rule 6 election for certification of a new collective bargaining unit representative. If ~~such a request for decertification and certification is for more than one bargaining unit is at issue, each request for decertification and certification must be filed separately~~ a separate petition for decertification and certification must be filed. If such a ~~combination~~ election is held in combination, the election ballot shall ask the voting employees;
1. To choose whether the current bargaining representative should continue to represent the unit in bargaining, and ~~(2)~~
 2. If a majority of those voting chose to decertify the existing bargaining representative, then to choose whether the newly proposed bargaining unit representative should represent the unit in bargaining.

III. **Petitions Filed by a Labor Organization Currently Representing an Employee or Employees:**

- A. A petition by a labor organization currently acting on behalf of an employee or employees shall be filed in the representation docket. If more than one bargaining unit is at issue, a separate petition for decertification must be filed for each bargaining unit. All petitions shall contain the following:
1. A description of the bargaining unit;
 2. The date of recognition or certification;
 3. The expiration date of any applicable agreement, contract, or understanding;
 4. A detailed statement of the grounds for the labor organization's belief that the labor organization no longer has the support of a majority of bargaining unit members;
 5. A concise prayer for the relief or order sought.
- B. Such a petition may only be filed:
1. Between the one-hundred twentieth (120th) day and the sixtieth (60th) day preceding either:
 - a. Termination of an existing agreement, contract, or understanding, or
 - b. Preceding commencement of a statutorily required bargaining period, whichever is earlier;
 2. If any such existing agreement, contract or understanding is for a period of more than three (3) years, such a petition may be filed at any time after the agreement, contract or understanding has been in force for nine-hundred seventy-five (975) days; or
 3. When there is currently no contract in effect, except that no election shall be ordered in any unit more than once a year.
- C. Upon receipt of such a petition, the Clerk shall send a notice to the employer containing the information set forth in Rule 10E. The notice shall be posted on all bulletin boards normally used to communicate with employees. The notice shall remain displayed until further notice from the Clerk.
- D. If no objection is filed within fourteen (14) business days of the notice posted by the employer in accordance with Rule 10 E, the labor organization shall be decertified

immediately without an election. Upon receipt of a timely filed objection to a petition as specified in subsection J hereof, the Clerk shall take such action as is appropriate in compliance with Rules 10 and 11.